

THE BARBER COUNTY INDEX.

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TO THE SUPREME COURT

George Horton Convicted of Burglary. His Attorney Appeals to Supreme Court. Court Adjourned Saturday

The trial of George Horton who was charged with burglary and larceny, which was on trial when the Index was being printed last week, resulted in a conviction of burglary in the second degree, the penalty for which is from five to ten years in the state penitentiary. The case went to the jury Wednesday evening and the verdict was returned shortly after midnight. On the first ballot the jury is said to have been evenly divided—six being for conviction and six for acquittal. On the next ballot four came over for conviction, on the next another broke over and on the next all voted for conviction. The verdict was a compromise, the jury acquitting of the charge of stealing the jewelry but convicting on the charge of breaking into the store. The case was tried very thoroughly by both sides and we think all the lawyers did their entire duty, but the attorneys for the state are claiming the major portion of the glory.

On Friday G. M. Martin, Horton's attorney, filed a motion for a new trial. The motion was argued on Saturday and overruled by the court, and the prisoner was sentenced to the penitentiary. Mr. Martin at once gave notice of an appeal to the supreme court. Execution was stayed twenty days pending the perfection of the appeal. At the end of twenty days he will be taken to the penitentiary unless he furnishes a bond or the supreme court comes to the rescue. A suit for damages entitled H. W. Skinner vs. The A. T. & S. F. Ry. Co. was tried before the following jury on Thursday, February 24th:

A. F. Buckles	T. L. Sale
M. A. Lambert	Paul Adams
F. H. Jackson	W. S. Benefield
F. A. Gibson	A. A. Fausett
John Stone	Frank Ephraim
C. H. Stewart	C. G. Price

Two horses and a mule were run into a barb wire fence by a Santa Fe engine and badly cut. The company failed to fence its right-of-way. The jury awarded Mr. Skinner \$50 damage and \$50 attorney's fees. The suit was for \$235. The company will probably appeal to the supreme court.

Seward I. Field represented the plaintiff and Noble & Tinchin of this city, and J. D. Houston of Wichita represented the Santa Fe. The MacGregor tax injunction case was heard by Judge Gillett on Friday. Noble & Tinchin represented Col. MacGregor, and County Attorney Field and Samuel Griffin represented Barber county. The matter has been in controversy since March 1909, when Dr. I. W. Stout assessed a contract held by Col. and Mrs. MacGregor, by the terms of which they conveyed their farm to H. W. Skinner. Col. MacGregor holds that it is merely an option contract and therefore non-assessable, while Deputy Assessor Stout, County Assessor Bailey, County Commissioners Lake, Wadsworth and Harbaugh and Attorney General Jackson, as well as all of the members of the State Tax Commission, speaking as lawyers and individuals, held that it was taxable. In the beginning County Attorney Field and part of the county board held that it was not taxable but subsequently Col. MacGregor used this contract in the purchase of other land and this action County Attorney Field and the entire Board decided removed all optional features from the contract and it became taxable the same as if it had been a promissory note. The evidence of Messrs. MacGregor and Skinner was directed toward establishing that it was an optional contract but the evidence of Commissioners Wadsworth and Harbaugh and County Attorney Field pointed strongly in the opposite direction. Col. MacGregor admitted that the contract was drawn by Mr. Field at his direction and that it was entirely satisfactory to him at the time. Later, however, when Mr. Skinner called his attention to the fact that it might be taxable, he became dissatisfied with the contract. Col. MacGregor made a number of admissions that weakened his case materially.

At the close of the arguments of

counsel, Judge Gillett directed that briefs be submitted by both sides and he announced that he would render a decision at the adjourned day in April. He intimated that without going into the matter more fully, he was inclined to believe that the contract is taxable. The case will be carried up to the supreme court regardless of Judge Gillett's decision. There is a feeling on both sides that this matter should be decided so that no question can arise in the future and hence the supreme court will get the last guess. The Index made this statement once before and was sharply criticised by Col. MacGregor for making it. Now, however, he admits that he will appear in the event that Judge Gillett denies the injunction. Should the Colonel's view finally be upheld, it will put an end to taxing money loaners and property owners will have to bear the entire burden of taxation.

County Attorney Field presented this case in an exceptionally strong manner and has been complimented very highly on the clearness with which he followed the question throughout its different phases.

Two divorce cases were heard by Judge Gillett Friday afternoon and night. The first was that of Rose E. South vs. Hiram South. The parties reside at Deerhead. Mrs. South alleged cruelty and neglect of duty but her proof was weak and Judge Gillett denied the divorce.

He gave Mr. and Mrs. South some good wholesome advice and if they follow it they should have no trouble in living together but reports are that Mrs. South has made up her mind that she will not do so. Mr. South has expressed a desire to bury the past and begin new. From what we are able to gather, Mr. South has shown the better spirit. Seward I. Field represented the plaintiff and Noble & Tinchin the defendant.

The second and more difficult case to adjust came from Kiowa. Morgan A. Lambert brought suit for divorce from his wife, Laura C. Lambert. The husband is 59 years old and the wife 52. They have four grown children and all testified in court. It was a case of disagreement throughout their entire married life. They could not get along at all, quarreled all the time and only endured their unhappiness for the sake of their children. Now, however, since both of their daughters are married and their sons are able to take care of themselves, they have concluded to dissolve partnership. The sons and daughters declined to take sides and did not lean to either the father or the mother in the testimony which was very honorable in them. The knotty question arose over the division of the property. They have a good farm, and a little personal property, as a result of their joint effort, aggregating about \$5,500. Mrs. Lambert claimed everything excepting \$400. In the hard times of the 90's they lost everything they had, but soon afterward Mrs. Lambert inherited \$750. This was invested by Mr. Lambert and he traded land a number of times until by careful deals and good farming he finally accumulated the amount above stated. Mrs. Lambert now claims that because the original investment was her money she should have everything and she would like to turn Mr. Lambert out practically penniless.

Judge Gillett stated that while the statute was unquestionably in favor of the woman in such cases, it was nevertheless unjust, but he took the case under advisement until Saturday morning when he granted the divorce to Mrs. Lambert on her cross petition and awarded her the farm but required her to pay Mr. Lambert \$1000 for his equity or lien. Mr. Lambert was also given the present cash on hand which is about \$400, and five or six head of cattle. Mrs. Lambert was given five horses, the farm machinery, household goods and the same number of cattle as Mr. Lambert.

Seward I. Field represented Mr. Lambert, and Noble & Tinchin represented Mrs. Lambert.

Judgment quieting title was rendered in the case of O. F. Rowley vs. The Colonial & U. S. Mtg. Co. The case against R. E. Kathren, growing out of the Gem Drug store burglary, was continued until the May term.

The damage suits of Margaret Potter vs. Andrew Huff and F.

Lichtlyer were dismissed on motion of plaintiff. In these cases the plaintiff who lives in Oklahoma, sued the defendants for \$5000 each on account of some letters written and stories alleged to have been circulated concerning her, but they proved to be merely vapor, as nine out of ten of all such cases are.

Court adjourned on Saturday to April 7th, when a short adjourned term will be held.

At the Matrimonial Altar

M'GUIRE-FRIDAY

On Thursday, February 24, 1910 Mr. George McGuire and Miss Minnie Friday were united in marriage at the home of the bride's parents near Sharon, by Elder J. E. Barbour, minister of The Church of God.

The groom is one of the substantial farmers in the Sharon-Medicine Lodge vicinity. He has lived in the community since his boyhood and has a wide acquaintance. His integrity, his industry, his Christianity and intellectual capabilities are prominent elements in his character, constituting forces that have promoted friendships everywhere he is known.

The bride is one of the charming young ladies of the community. She has lived at Sharon nearly three years and has a wealth of admiring friends. She is blessed with a most pleasant disposition and possesses many rare accomplishments in other respects.

The Index is confident that the future has a rich fund of blessings and happiness immeasurable in store for this meritorious couple.

LAVERENTZ-SHEIRKALK

Probate Judge S. P. Garrison spoke the words which united the lives of Henry Laverentz and Lizzie Sheirkalk, of Nashville, Kansas, on Thursday, February 24, 1910. The ceremony was performed in the Probate Judge's office and was witnessed only by a few persons.

The bride was gownned most attractively, the bride's veil being especially elaborate which excited the admiration of Judge Garrison to such an extent that he became more eloquent than he has ever been on any similar occasion in his official experience. And this is saying much, for Judge Garrison has a reputation as a man of eloquence and fine speech.

The couple are strangers here but are quite well known in northeastern Barber and southwestern Kingman counties.

Mrs. Woodward Seeks Separation

On Wednesday, February 23rd, Eleanor Woodward filed a suit for divorce and alimony from her husband, Hugh T. Woodward. Noble & Tinchin are her attorneys.

Mrs. Woodward was formerly Mrs. Eleanor Hull. She is the mother of Mrs. W. H. Moore who is the wife of the former Methodist pastor of this city, now residing at Kingman. Mrs. Hull was the widow of an ex-union soldier. She resided at Topeka before her marriage to Mr. Woodward and conducted a private rooming house. She complains that she surrendered this and a widow's pension when she became Mr. Woodward's wife and asks for reasonable alimony.

There is nothing sensational in her accusations. It seems to be merely a case of incongeniality. Each appears to be set in his and her ways and they can not agree. They were married November 6, 1909.

Mr. Woodward is one of the leading merchants of this city and has been in business here many years. His friends regret to learn that his second marriage resulted unhappily.

Samuel Griffin is Mr. Woodward's attorney. No answer to the plaintiff's petition has yet been made. The case will probably be disposed of at the adjourned day of court April 7th.

J. C. Schaeffer, division passenger superintendent, and R. E. Torrington, division freight superintendent of the Santa Fe, were here on an inspection tour a few hours on Saturday. Just before leaving, Mr. Torrington had the misfortune to crush the end of the second finger on one of his hands by getting it caught by the door of the officials' private car as the door was being closed. Dr. Gilbert was called to dress the wound and the "brass collars" departed without further interruption. Mr. Torrington lost about one inch of the phalange in the operation.

A Record for Economy



The expense of maintaining a motor car is often exaggerated. A good car carefully handled and properly sheltered is in fact less expensive than any other means of travel. To substantiate this statement may be cited the record made by H. L. Williams of Mingona township. Mr. Williams purchased a Ford touring car, five passenger, June 18, 1909 and kept a complete record of every item of expense since that time and the number of miles traveled up to February 28, 1910, and the record is as follows:

Gasoline.....	\$14 15
Oil.....	8.55
Carbide and other expense	3.50
Total.....	26.20

Miles traveled.....2000
Thus it will be seen that Mr. Williams maintained and operated his car nine months and covered 2000 miles at the nominal cost of \$26.20—\$2.91 per month.

D. W. Stone and Chas. Kimball of the same neighborhood have even better records although they have kept no precise account. Mr. Stone has had his car about eight months and his total expense, outside of gasoline, was in the neighborhood of \$3.50. Mr. Kimball has had his car about six months and has had no breakage expense, but has expended about \$10 for cleaning engine and incidentals. He did not keep an account of the gasoline and oil used.

S. I. Field has owned his car a year and has driven it 5000 miles. Fifteen dollars covers his breakage expense. Dr. Donovan has used his car one year and drove it about the same distance and has had no breakage whatever.

All of these are Model T. Ford cars.

These facts and figures are presented to prove that any man can own and use a Ford car, if he exercises ordinary care, at a very small expense.

Any person inclined to doubt these statements can have them verified by consulting any of the parties above mentioned.

C. N. Marshall handles the Ford cars and will be pleased to show you them any time. He has a supply of them on hand constantly and you do not have to wait to have a shipping order filled after you have made up your mind to buy one. See him today.

On the Police Force

The following from a Kansas City paper, in which M. R. Wisner (better known here as Ralph Wisner), son of C. H. Wisner of Sharon, is one of the principals, will be of interest to the friends of the Wisner families. Ralph has been on the Kansas City police force several months, tips the beam at 190 and is in fine physical condition:

"A negro bystander contrived the escape of another negro who had been arrested for robbing a white man last night.

"George Roberts and M. R. Wisner, patrolman, had arrested three women near Ninth Street and State Line. On the way to a patrol box they found a negro holding up John Horning. The negro had an arm around Horning's neck and Horning's purse in his hand. Both were arrested.

"As the policemen, with their five prisoners, neared the patrol box another negro rushed through the crowd and in the confusion the negro hold-up man escaped. He ran across the state line and was pursued by a Kansas City Kas. negro patrolman, who fled when Wisner began to shoot at the fugitive.

"The three women and the victim of the hold-up were taken to the police station, the man for safe-keeping."

St. Patrick's Day Shoot

The Medicine Lodge Gun Club will celebrate St. Patrick's Day, Thursday, all day, March 17th, with a big trap shoot. A number of the best experts in the United States are coming and their exhibitions alone will be worth the time and money required to see the day's shooting.

ICE PLANT ASSURED!

Miller & McKinley of Humboldt, Kansas, have Practically Closed an Agreement with a Company of Citizens to Install Plant.

F. C. Miller of the firm of Miller & McKinley of Humboldt, Kansas, who was here a few weeks ago in conference with our business men and city officials with reference to installing an ice plant, returned again Monday and matters have assumed a tangible and business form. When Mr. Miller was here before he proposed to put in a ten-ton plant provided local parties would subscribe a loan of \$4000 on conditions to be agreed upon. The amount has now been very nearly raised and yesterday the articles of agreement were drawn and signed. Local capital will also furnish a site and this

matter is now under discussion. Mr. Miller has his material where he can command it at once and he binds himself to have the plant in operation in ample time to supply this season's ice. Unless there is a halt in the financial arrangements, which now seems improbable, work on the plant will begin within two weeks and it will be turning out ice to consumers in less than sixty days.

This is a matter of great concern to our city and community and will bring more substantial benefit than any other public facility that could be desired. Once established, there can be no doubt of its success.

The Missouri Girl March 3rd

In the last dozen years the "Missouri Girl" has been seen in this city several times and the visit again this season which is announced for Thursday, March 3rd, will be hailed with delight by the numerous theater goers who have so long contended that this attraction is the greatest of all comedies and that "Zeke" and "Daisy" are the funniest of all stage characters. The success of this attraction has stimulated other managers to offer productions of a similar nature, but none has ever yet succeeded in producing an imitation that will satisfy the theater-goers who have seen the original show.

The company this season is said to be even stronger than when the play was last seen here, and the unusual demand for seats so far in advance augurs well for a capacity business. The prices are in accordance with the time and so reasonable that everyone can afford a brief holiday with "Zeke" and "Daisy." The vaudeville features this season are especially strong, and the whole production is in keeping up with the high standard of excellence that characterizes Fred Raymond's attractions.

W. J. Armitage, a physical curiosity, occupied the Baptist pulpit in this city Sunday afternoon and night. The afternoon lecture was for men only, and the main room was nearly filled. The evening lecture was attended by a large audience, standing room being at a premium. Rev. Armitage is the same gentleman who recently lectured at Sharon. He and his wife have taken up their residence for the present at Attica and he gains a livelihood by lecturing. At the age of three years he was crippled in the lower limbs by taking calomel and they are frightfully deformed. He moves about on his hands and knees with the aid of small blocks in his hands. Aside from his physical condition, he has another sad message. He was confined in prison in New York state nearly five years, innocently, and gained his liberty through a pardon issued by Gov. Flower after the guilty man made a confession on his death bed. The crime charged against him was that of setting a hotel building on fire. He was bartender in the hotel's saloon and it was a case in which circumstances were plainly against him yet he was perfectly innocent. He tells some very heartrending stories and pictures pitiable scenes in prison life and it all reflects discreditably on those prison officials who abuse their authority. Rev. Armitage assumes responsibility for having been a bartender and thus placing himself in a position to be suspected of having committed the crime for which he was imprisoned but otherwise claims to have always lived a clean life. Upon entering the penitentiary he made a pledge to consecrate his life to the Master and he has always been faithful to his vow.

A Clever Magician

Prof. Floyd, the magician, assisted by Mrs. Floyd, as Mohala, mindreader, did what has been pronounced the most clever work in this department of stage art ever seen in this city, in their engagement last Wednesday night. Prof. Floyd introduced many new departures in legerdemain and kept his audience in constant bewilderment and wonderment.

Mrs. Floyd also excelled in mind reading. She was blindfolded on the stage while Mr. Floyd went through the audience and selected different articles from different persons and she named and minutely described the articles selected. She also made arithmetical computations while blindfolded, from figures produced on a blackboard with which she had no possible communication other than that of mind telegraphy. The Floyds are all that is claimed for them.

This closed the season's Lecture Course attractions and the ladies of the Monday Afternoon Club who had it in charge, did so well that they will conduct the Course again next season.

Leg Broken

Carl Woolloom, a young man who works for J. M. Hall a mile west of this city, had the misfortune to break his leg Sunday evening. He was preparing to go to church and in hastening to do a small errand started on a brisk run and in attempting to dodge under a clothes line his head was caught on the line and he was thrown to the ground. The fall resulted in breaking both bones of his right leg below the knee. Dr. Coleman was called to set the broken limb.

For Rent or Sale

A quarter-section of bottom land a short distance south of Medicine Lodge, on Medicine river.

For terms address,

G. GARRISON,
Atlantic City, N. J.

A complete line of all-wool samples for spring suits pants, and top coats.

H. O. Cress,
Merchant Tailor.